

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

VERNON J. PEARSON, III,

Plaintiff,

v.

Case No. 8:20-cv-1151-T-60TGW

RON DESANTIS,

Defendant.

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ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on consideration of the report and recommendation of Thomas G. Wilson, United States Magistrate Judge, entered on June 18, 2020. (Doc. 5). Judge Wilson recommends Plaintiff's motion for leave to proceed *in forma pauperis* (Doc. 2) be deferred, and that his complaint (Doc. 1) be dismissed without prejudice with leave to file an amended complaint due to several deficiencies. Neither Plaintiff nor Defendant filed an objection to the report and recommendation, and the time to object has expired.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo*, *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject, or modify, in whole or in part, the findings and recommendations. 28 U.S.C. § 636(b)(1)(C). The district judge reviews

legal conclusions *de novo*, even in the absence of an objection. *See Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994); *Castro Bobadilla v. Reno*, 826 F. Supp. 1428, 1431-32 (S.D. Fla. 1993), *aff'd*, 28 F.3d 116 (11th Cir. 1994) (table).

Upon due consideration of the record, including Judge Wilson's report and recommendation, the Court adopts the report and recommendation. Consequently, Plaintiff's *in forma pauperis* motion is deferred. The complaint (Doc. 1) is dismissed without prejudice with leave to amend to cure the deficiencies identified by Judge Wilson in his report and recommendation. Plaintiff is directed to file his amended complaint on or before August 13, 2020. Failure to file an amended complaint as directed will result in this Order becoming a final judgment. *See Auto. Alignment & Body Serv., Inc. v. State Farm Mut. Auto. Ins. Co.*, 953 F.3d 707, 719-20 (11th Cir. 2020).

The Court reiterates that the Federal Rules of Civil Procedure and Local Rules of the Middle District of Florida require that all pleadings include a mailing address. *See* Fed. R. Civ. P. 11(a); Local Rule 1.05(d). Plaintiff has not provided a mailing address. He is therefore advised to provide his mailing address to the Clerk's Office. If he is unable to provide a mailing address because he is homeless, he is directed to visit the Clerk's Office regularly to check the status of his case to avoid potential dismissal for failure to prosecute. *See Davis v. United States*, 3:07cv167/MCR/MD, 2007 WL 1812501, at *1 (N.D. Fla. June 22, 2007) (court orders were held at clerk's office for homeless plaintiff to pick up); *Flores v. United States Attorney Gen.*, No. 2:15-cv-653-FTM-99CM, 2016 WL 3647174, at *3 (M.D. Fla. June 10, 2016), *report and recommendation adopted*, No. 2:15-cv-653-FTM-99CM, 2016 WL 3552325 (M.D. Fla. June 30, 2016)


(dismissing complaint without leave to amend because court had no way of contacting the plaintiff, whose mail was returned as undeliverable because he failed to provide an updated address).

Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

- (1) Judge Wilson's report and recommendation (Doc. 5) is **AFFIRMED** and **ADOPTED** and **INCORPORATED BY REFERENCE** into this Order for all purposes, including appellate review.
- (2) Plaintiff's motion for leave to proceed *in forma pauperis* (Doc. 2) is hereby **DEFERRED**.
- (3) The complaint (Doc. 1) is **DISMISSED WITHOUT PREJUDICE**, with leave to amend. Plaintiff is directed to file his amended complaint on or before August 13, 2020. Failure to file an amended complaint as directed will result in this Order becoming a final judgment. *See Auto. Alignment & Body Serv., Inc. v. State Farm Mut. Auto. Ins. Co.*, 953 F.3d 707, 719-20 (11th Cir. 2020).

DONE and **ORDERED** in Chambers, in Tampa, Florida, this 13th day of July, 2020.



TOM BARBER
UNITED STATES DISTRICT JUDGE